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8 Attorney for Defendant
9 WEN BING LEI

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,
14 Plaintiff,
15 v.
16 WEN BING LEI,
17 Defendant.

No. 15-cr-71548-SK

**STIPULATION AND [Proposed] ORDER TO
CONTINUE HEARING AND TO EXCLUDE
TIME**

Date: October 25, 2016
Time: 9:30 a.m.

18 This matter is set for a preliminary hearing or return of an indictment before this Court on
19 October 25, 2016. The parties request that this matter be continued to December 8, 2016 at 9:30 a.m. for
20 further setting. Pursuant to Fed. R. Crim. P. 5.1(d), the defendant consents to extending the time limits
21 set forth in Fed. R. Crim. P. 5.1(c) to exclude from the 14-day limit the time from October 25, 2016 to
22 the newly proposed hearing date to accommodate this request, and defense counsel is continuing to
23 review voluminous discovery, to conduct investigation, and to otherwise prepare the defense. As a
24 result, the parties request that the Court exclude time between October 25, 2016 and December 8, 2016
25 for effective preparation of defense counsel, taking into account the exercise of due diligence, and
26 pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay, and the
27 parties agree that the ends of justice served by granting the continuance outweigh the best interests of

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1 the public and the defendant in a speedy trial.

2 Dated: October 24, 2016

Brian J. Stretch
United States Attorney

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4 /S/
William Frentzen
Assistant United States Attorney

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6 Dated: October 24, 2016

/S/
Mark R. Vermeulen
Attorney for Defendant
WEN BING LEI

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8
9 ORDER

10 IT IS HEREBY ORDERED that this matter is continued to December 8, 2016 at 9:30 a.m. for
11 further setting.

12 IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 5.1(d), the 14-day limit set forth
13 in Fed. R. Crim. P. 5.1(c) shall be extended, such that the 14-day limit shall run from December 8, 2016.

14 IT IS FURTHER ORDERED that time between October 25, 2016 and December 8, 2016 is
15 excluded pursuant to the Speedy Trial Act for effective preparation of defense counsel, taking into
16 account the exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Based
17 upon the parties' stipulation, the Court finds that the extension is not sought for delay, and the ends of
18 justice served by granting the continuance outweigh the best interests of the public and the defendant in
19 a speedy trial.

20 IT IS SO ORDERED.

21 Dated: October 24, 2016

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Elizabeth D. Laporte
United States Magistrate Judge